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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASMIN HOLLOWAY, AMY GARCIA,
CHERYL CHAPPEL, ERIC BLACKSHER,
JESSICA TREAS, LAWRENCE
SANTIAGO, JR., MUEMBO MUANZA,
MAURICE CALHOUN, NICHOLAS, and
DIXON, on behalf of themselves and all
others similarly situated,

Case No. C-05-5056 PJH (MEJ)

CLASS ACTION

**PLAINTIFFS' NOTICE OF
ADMINISTRATIVE MOTION;
ADMINISTRATIVE MOTION TO FILE
REPLY MEMORANDUM IN SUPPORT
OF CLASS CERTIFICATION AND
DOCUMENTS UNDER SEAL**

22 BEST BUY CO., INC. and BEST BUY
STORES, L.P..

Defendants.

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1 **NOTICE OF ADMINISTRATIVE MOTION AND ADMINISTRATIVE MOTION TO**
2 **FILE MATERIALS UNDER SEAL FOR IN CAMERA REVIEW**

3 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE** that Plaintiffs move this Court pursuant to Civil Local
5 Rules 7-11 and 79-5(d), and the Court's Standing Order for Cases Involving Sealed or
6 Confidential Documents, for leave to file under seal certain documents produced by Defendants
7 in this litigation and designated by Defendants as confidential pursuant to the Stipulated
8 Protective Order in this case, certain deposition testimony designated by Defendants as
9 confidential, portions of Plaintiffs' Reply Memorandum of Points And Authorities In Support of
10 Motion for Class Certification that describe items designated as confidential by Defendants, and
11 portions of Plaintiffs' demonstrative evidence that describe items designated as confidential by
12 Defendants. These documents will be served on Defendants, but not on certain third parties
13 whose service information appears on the efiling service list because they appeared briefly in the
14 case in response to a subpoena, not relevant to this motion.

15 This motion is based on this Administrative Motion to File Under Seal, the
16 Declaration of Barbra L. Williams in Support of Plaintiffs' Administrative Motion to File
17 Documents Under Seal, the Stipulated Protective Order on file in this case (Docket No. 26), and
18 any other relevant papers and pleadings on file.

19 Plaintiffs sent Defendants a list of the evidence that Plaintiffs intended to file in
20 support of Plaintiffs' Reply Memorandum. Declaration of Barbra L. Williams in Support of
21 Plaintiffs' Administrative Motion to File Documents under Seal ("Williams Dec.") ¶5 & Ex. B.
22 Defendants de-designated a few of the documents, but maintained the confidential designation for
23 the majority of documents. *Id.* Therefore, Plaintiffs seek to file under seal portions of Plaintiffs'
24 Reply Memorandum of Points and Authorities in Support of Motion for Class Certification,
25 portions of Plaintiffs' Counter-Demonstratives, Plaintiffs' Objections to Amended Declaration of
26 Lisa Heller, and each of the following exhibits listed in Plaintiffs' Evidence in Support of Class
27 Certification, all of which are designated as confidential by Defendants (or, in the case of
28

1 Plaintiffs' brief, counter-demonstratives and objections, discuss materials designated as
2 confidential by Defendants).

3 Tab 161: Counter-Demonstrative C
4 Tab 162: Counter-Demonstrative D
5 Tab 163: Counter-Demonstrative E
6 Tab 164: Counter-Demonstrative F
7 Tab 181: Ex. 9 to Philip Tetlock Ph.D Expert Report
8 Tab 196: Excerpts from the Deposition of Michael Cassidy
9 Tab 197: Excerpts from the Deposition of Sondra Chadwick
10 Tab 198: Excerpts from the Deposition of Rosalind Chevreuil (I)
11 Tab 199: Excerpts from the Deposition of Rosalind Chevreuil (II)
12 Tab 200: Excerpts from the Deposition of Rosalind Chevreuil (III)
13 Tab 201 B: Excerpts from the Deposition of Tina Decker
14 Tab 202: Excerpts from the Deposition of Debra Dennin
15 Tab 203: Excerpts from the Deposition of Hershel Herndon (II)
16 Tab 204 B: Excerpts from the Deposition of Thomas MacPherson
17 Tab 205: Excerpts from the Deposition of Valerie Raatz (II)
18 Tab 206: Excerpts from the Deposition of David Sisson (I)
19 Tab 207: Excerpts from the Deposition of Hershel Herndon (I)
20 Tab 208: Ex. 38
21 Tab 209: Ex. 121
22 Tab 210: Ex. 809

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 The above-referenced items are to be filed under seal because they have been
25 designated confidential or contain information that has been designated confidential by
26 Defendants under the applicable Stipulated Protective Order. Civil L.R. 79-5(d); Standing Order
27 for Cases Involving Sealed or Confidential Documents ¶2; Williams Dec. ¶¶3-5. Pursuant to
28

1 Local Rule 79-5(d), Defendants must file a declaration within five days establishing the
2 confidentiality of the designated materials; if such a declaration is not filed the documents should
3 be filed in the public record.

4 Plaintiffs have complied with Civil Local Rule 79-5. For those documents which
5 discuss information designated confidential by Defendants but which also contain non-
6 confidential information (Plaintiffs' brief and Counter-Demonstratives), Plaintiffs have clearly
7 marked the sealable portions with blue highlighting. *See* Civil L.R. 79-5(c)(3). Plaintiffs are
8 lodging both redacted and unredacted copies of the documents at issue under seal with the Clerk,
9 along with a second Chambers copy. If the Court denies this Administrative Motion in whole or
10 in part, Plaintiffs will file the unredacted versions of the documents in a manner consistent with
11 the Court's order.

12 DATED: May 6, 2009

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

13
14 By: /s/ Barbra L. Williams
Barbra L. Williams, Esq.

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